

71. CURBS, CURB CUTS, AND DRIVEWAYS

71.01. Permit Required. No person shall locate, establish, begin to construct, construct or alter any curb, curb-cut or driveway on the public streets of the city without first obtaining a permit from the city engineer as provided by this chapter; provided, however, that no person doing such work for the city under contract with the city on approved plans and specifications shall be required to obtain a permit.

71.02. Application for Permit. An applicant for a permit hereunder shall file with the city engineer an application setting forth:

(1) The name and address of the owner and person in charge or possession of the property abutting the proposed work area;

(2) The name and address of the person who will do the work;

(3) The location of the work area;

(4) Detailed plans of the work proposed to be done;

(5) The estimated cost of the work;

(6) Such other information as the city engineer shall find reasonably necessary to the determination of whether a permit should be issued.

71.03. Permit Fees. Each application shall be accompanied by a permit fee as established by resolution of the city council. When curbs, curb-cuts or driveways are to be located, established, constructed or altered simultaneously, only one permit and one permit fee shall be required.

71.04. Standards for Issuance. The city engineer shall issue a permit hereunder when the city engineer finds:

(1) That the work will be done according to the standard specifications of the city for the same or similar public work and in accordance with specifications established by the city engineer for the type of work covered by this chapter;

(2) That the curb, curb-cut or driveway proposed will not constitute a traffic hazard or unreasonably impair or interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces, and the means of ingress to and from adjacent properties;

(3) That the health, welfare and safety of the public will not be unreasonably impaired; and

(4) That the person doing the work is properly qualified.

If a permit is denied, the city engineer shall forthwith notify the applicant in writing and shall set forth in such notice the reasons for denying the permit.

71.05. Supervision. All work for which a permit is granted hereunder shall be subject to the inspection, direction and supervision of the city engineer.

71.06. Alterations. Whenever the safety, movement or accommodation of vehicular and pedestrian traffic or the use, convenience and necessity of the public require, the city engineer may order the owners or persons in possession of abutting property to alter, relocate, close or discontinue the use of any curb-cut or driveway in such manner as the city engineer finds reasonably necessary under the circumstances. Notice to alter, relocate, close or discontinue the use of any curb-cut or driveway shall be in writing, shall specify the change to be made, shall state the reasons for such change, shall require compliance within a reasonable time to be specified in the order and shall be served personally or by registered mail on the owner or person in possession of the abutting property. Upon failure of the owner or person in possession of the abutting property to comply with the order within the time specified or any authorized extension thereof, the city engineer shall take such action as deemed necessary with city or other forces to accomplish the purpose of the order.

71.07 Maximum Driveway Width. Subdivision 1. No driveway shall be constructed in the city wider than 32 feet at the sidewalk line, such width being measured perpendicular to the direction of travel on the driveway. Adjacent driveways on the same lot or property shall be separated by a distance of at least 10 feet.

Subd. 2. Notwithstanding the provisions of subdivision 1, the Common Council may permit an applicant to construct a driveway wider than 32 feet upon a favorable recommendation from the Director of Public Services. The construction of a driveway wider than 32 feet may be approved by the Council upon the determination that the wider width can safely accommodate entrance and egress of large vehicles or heavy volumes of traffic.

71.08. Appeals to Council. Any person aggrieved by any action taken by the city engineer in granting or denying a permit or in ordering the alteration, relocation, closing or discontinuance of the use of any curb-cut or driveway, may appeal to the council by filing in the office of the city clerk a notice of appeal specifying the grounds thereof. An appeal shall stay all proceedings in furtherance of the action appealed from. Such appeal shall be taken within 30 days of the date of the written notice of the city engineer denying a permit or ordering action under 71.06. The person appealing shall be given an opportunity to be heard before the council or before a committee of the council to which the matter has been referred for review and recommendation. Thereafter the council may affirm, reverse or modify the action of the city engineer.

71.09. Intent. It is the intent of this chapter reasonably to regulate access of abutting property to and from the public streets in order to protect and promote the welfare and safety of the public and the movement of traffic on the public streets and to eliminate unreasonable traffic hazards.

(1167, 8/6/62; 2825, 6/2/92; 3292; 11/15/99)

